

1 THE WITNESS: Yeah.

2 JUDGE SIPPEL: He's simply asking you if you were
3 the real party in interest.

4 THE WITNESS: I don't believe so. I believe they
5 found for comparative analysis I was, but I -- I still don't
6 believe it was the right ruling anyway. But beyond that, I
7 don't believe that -- I think the disclosure here clearly
8 identifies what they found and that for that purpose I was
9 deemed to be a real party in interest. That's an accurate
10 statement. But I don't think it went beyond that.

11 JUDGE SIPPEL: I think he's answered your
12 question.

13 MR. COLE: I accept that, Your Honor.

14 BY MR. COLE:

15 Q Mr. Parker, you mentioned a couple of times in
16 your colloquy with Judge Sippel that, and again, I'm not
17 trying to mischaracterize this so please stop me if I have
18 got it wrong, but you seemed to say that I heard it that one
19 of the elements of the real party in interest in San
20 Bernardino was more in the nature of a reporting shortfall
21 by San Bernardino applicants; that is, the San Bernardino
22 applicant had not adequately reported your presence and that
23 was the problem.

24 Did I hear that correctly? Can you address that?

25 A I characterized it that way because had she

1 reported that involvement there never would have been an
2 issue added. The fact she didn't report and they added the
3 issue, held a hearing on it, and determined that I was too
4 much involved in the processing of the application, that my
5 involvement was too pervasive, therefore, I was a real party
6 in interest and she wasn't entitled to the integration
7 credit.

8 Q Who prepared the San Bernardino application?

9 A It was prepared in my office.

10 Q Let me refer you to page 6 of the repeal board's
11 July 1988 decision, paragraph 60?

12 A Which exhibit are we on? I'm sorry.

13 Q We're in the big folder. I believe it's
14 Attachment B.

15 A Big folder, Attachment B.

16 JUDGE SIPPPEL: That's the Reading folder. Volume
17 III, I think it is. Reading 46, Tab 8?

18 MR. COLE: That's correct.

19 THE WITNESS: And what page are you on?

20 MR. COLE: Page 6, paragraph 16.

21 THE WITNESS: Yes.

22 BY MR. COLE:

23 Q Approximately eleven lines down, the review
24 board's decision reads, "As the ID adequately chronicles,
25 Micheal Parker prefabricated the SBB application for Channel

1 30 prior to the intromission of Van Osdale."

2 Did I read that correctly except that I read that
3 it's a correct statement?

4 JUDGE SIPPEL: Are you following the language, Mr.
5 Parker?

6 THE WITNESS: Yeah, I'm trying to find where you
7 were.

8 BY MR. COLE:

9 Q Paragraph 16.

10 A Okay, about 11 lines down --

11 A Okay.

12 Q -- in paragraph 16, "As the ID adequately
13 chronicles, Micheal Parker prefabricated the SBB San
14 Bernardino for Channel 30 prior to the intromission of Van
15 Osdale."

16 A That's what it says, yes.

17 Q Do you disagree with that?

18 A Yeah, because Van Osdale, in order to finish the
19 application, you had to have Van Osdale there and her
20 qualifications.

21 Q Okay, Mr. Parker, we're going to touch briefly on
22 two additional applications. The first is in the small gray
23 volume Exhibit No. 52.

24 A Fifty-two, yes.

25 Q Fifty-two, Adams 52, which is the Reading --

1 November 1991 315 application.

2 A Yes.

3 Q Just want to confirm a couple of things in here.
4 If you go to page 7 in that, this would be question four
5 we've looked at before in two previous applications?

6 A Yes.

7 Q Would you just confirm for me that it's the same
8 question and you've given the same answers in this
9 application?

10 A Yes.

11 Q And similarly with page 12, questions number
12 seven.

13 A Page 12.

14 Yes.

15 Q That is the same question and the same answer?

16 A That is correct.

17 Q And the only difference I should point out just in
18 the interest of complete accuracy is that in the Reading
19 application, that is Exhibit 25, page 12, the reference
20 internally within the application to Exhibit Arabic 3 rather
21 than --

22 A That is correct.

23 Q -- a Roman Numeral.

24 And while we are talking about Exhibit Arabic
25 Numeral 3, could you please turn to that, which is at page

1 30 of Adams 52?

2 A Page 29.

3 Q Oh, I'm sorry. Page 29.

4 What I'm primarily interested in is page 30, which
5 is the description of the Religious Broadcasting proceeding.

6 You would agree with me, wouldn't you, that that
7 is essentially identical to the corresponding description in
8 the Norwell application we just looked at?

9 A Yes, it is.

10 Q Now, if you would turn over to Adams 53?

11 A Yes.

12 Q Which is the Twenty-nine Palms application.

13 A Yes.

14 Q Would you look at page 6, please? Again, this is
15 a Form 315, page 6 of Adams Exhibit 53 is question four
16 we've looked at in connection with the two or three previous
17 applications.

18 Could you just confirm for me that it is the same
19 question and you have given the same answers as --

20 A That is correct.

21 Q Thank you.

22 And the same exercise, sir, in page 8 of Exhibit
23 53 with respect to question number seven. Same questions?
24 Same answers?

25 A Yes.

1 Q Except, of course, for the reference to the
2 internal exhibit which now refers to an Exhibit Arabic
3 Numeral 4?

4 A That is correct.

5 Q And let's just finish the process by going to
6 Arabic 4, which is page 20, page 19 --page 18. But again I
7 would like to focus your attention on page 20, and to the
8 paragraph which describes the San Bernardino application.

9 A Yes.

10 Q Would you just confirm that that is essentially
11 identical to the language we have seen?

12 A That is correct.

13 Q Thank you.

14 Now, Mr. Parker, turn to Exhibit No. 54, which is
15 the KCBI Dallas assignment application --

16 A Yes.

17 Q -- filed in August of '92. And again, please turn
18 to page 7 of that.

19 A Yes.

20 Q And that again is the same question four answered
21 the same was as we have seen in previous applications.
22 Would you agree with that?

23 A That is correct.

24 Q And please turn to page 10, and I apologize for
25 the not great copy we have, but I think it's legible. I'm

1 interested here in having you confirm that question seven on
2 page 10 of Exhibit 54 is the same question as we've seen in
3 question seven in the earlier applications and that you have
4 answered that in the same way.

5 A I believe so.

6 Q Except for the reference to Arabic 3 this time of
7 the internal exhibit?

8 A Yes.

9 Q Finally, Arabic 3 here is page 22 of Exhibit 54?

10 A That is correct.

11 Q And if you would turn over to page 24, the
12 paragraph which -- the last partial paragraph on page 24
13 which flows over onto 25, if you could take a look at that
14 and confirm for me, please, that that is essentially
15 identical to the corresponding descriptions of the San
16 Bernardino proceeding in the other applications we have just
17 looked at.

18 A Yes, it is.

19 Q Thank you.

20 Now, I'm correct, am I not, that the San Francisco
21 application involving KWBB was granted by the staff; is that
22 correct?

23 A Yes.

24 Q As was the Norwell application?

25 A Yes.

1 Q And the Reading application?

2 A Yes.

3 Q And the Twenty-nine Palms application?

4 A Yes.

5 Q But before the Dallas application was granted, you
6 were advised by the FCC staff, weren't you, that more
7 information was needed concerning the dismissed applications
8 you have listed in Exhibit No. 3; is that the case?

9 A I believe that they wanted an amendment, yes.

10 Q According to your testimony, and now I'm referring
11 to Reading Exhibit No. 46.

12 A Forty-six. I'm sorry.

13 Q There it is.

14 A If you give me the tab. Okay, I'm right to it.

15 Q Yes. Reading 46, page 7 is where I'm looking.

16 A Page 7. Okay.

17 Q Paragraph 13.

18 A Yes.

19 JUDGE SIPPEL: What paragraph are you on?

20 MR. COLE: Actually, I take it back.

21 JUDGE SIPPEL: Eighteen?

22 MR. COLE: I'm going to look at page 8, paragraph
23 14 at the top of the page.

24 THE WITNESS: Yes.

25 //

1 BY MR. COLE:

2 Q You indicated, "Commission staff person asked for
3 further information about your dismissed applications."

4 Did the Commission staff person ask you for that
5 information?

6 A I don't believe so, but to tell you the truth, I
7 don't -- I don't believe it was me directly, but that could
8 have been.

9 Q You filed the Dallas shortwave assignment
10 application yourself, did you not, on August 3rd?

11 A I believe I did, yes.

12 Q And in that application did you identify any
13 counsel to whom the Commission should direct questions?

14 A You want to give me the page?

15 Q I'm sorry. It's Adams Exhibit No. 54.

16 A I don't believe I indicated any counsel there.

17 Q Let me just clarify that. In the -- on page 6 --

18 A Page 6.

19 Q -- Mr. Mercer's name is mentioned, but not as
20 counsel.

21 A Well, let me go back and take a look at that.
22 Page 6. Okay, that -- yes, I see that.

23 Q Do you know whether Mr. Mercer was contacted by
24 the Commission staff about this application?

25 A Actually, I believe it was somebody at Brown, Finn

1 and Nietert was -- was contacted.

2 Q By the staff?

3 A Yes.

4 Q And how did you find out about the -

5 A They called me because they weren't representing
6 me on the matter, but said they had gotten a phone call.

7 Q And what did they tell you about the phone call?

8 A Just that they wanted more information. I believe
9 that, and I could be inaccurate in this. I don't really --
10 that's just kind of my recollection was that it didn't come
11 directly to me. I tend to remember when the Commission
12 calls me.

13 Q Okay, now, your testimony, going back to Reading
14 Exhibit 46, so that would be your big folder.

15 A Yes.

16 Q Paragraph 14, you state, "In the case of the
17 Dallas application, a Commission staff person reviewing the
18 application asked for further information about my dismissed
19 applications. Either I or my assistant, Linda Hendrickson,
20 asked Brown, Nietert & Kaufman to assist Two If By Sea
21 Broadcasting Corp. in determining what was needed in
22 preparing the amendment."

23 A That's correct. That's an accurate statement.

24 Q That is an accurate statement?

25 A Mm-hmm.

1 Q But that doesn't say who the staff called. Am I
2 hearing correctly today that --

3 A And I can't tell you for sure who they called. My
4 recollection is that I believe they called Brown, Finn &
5 Nietert, but I could be way off on that.

6 Q And when you say Brown, Finn & Nietert, do you
7 mean Brown, Nietert & Kaufman?

8 A Well, I believe that that -- that may be the name
9 of the firm now, but I remember Brown, Finn & Nietert. I
10 would be -- I wouldn't be surprised if that was their name
11 then. I could be -- it could be just the opposite too. For
12 some reason I remember Brown, Finn & Nietert.

13 Q Why didn't you ask Mr. Wadlow to assist in this
14 project?

15 A I believe Mr. Wadlow -- I don't know, but I was --
16 I believe he had been representing the -- I think he had
17 been representing Christine Shaw on this same matter
18 earlier, and besides which I had been slowly moving a lot of
19 my business to Brown, Finn & Nietert at that point, or maybe
20 instead of the firm I'll use Robin Nietert, who I was
21 dealing with most of the time.

22 Q What other business had you moved to Brown, Finn &
23 Nietert at or about October of 1992?

24 A Well, this could have been the first one. I don't
25 recall. But they had been involved for Nick Mangus in the

1 transfer application of the Norwell station, and I was
2 impressed with them. And I talked to them and hired them at
3 that point to represent me.

4 Q At which point?

5 A It may well have been about this time. I don't
6 know if it was this application but I -- I think it was. I
7 think it was this application. I asked them to work with
8 me.

9 Q And when you refer to "this application," which
10 application are you referring to?

11 A The one you just asked me the question on.

12 Q For Dallas?

13 A Dallas station, yes.

14 Q Shortwave 314?

15 A Yes.

16 Q But you didn't ask them to help you prepare that
17 application when you filed it, did you?

18 A I don't believe so, no.

19 Q You didn't ask them to get involved until the FCC
20 staff had inquired about your dismissed application; isn't
21 that correct?

22 A Yes. Yes.

23 Q Do you recall the approximate date of the FCC's
24 inquiry about that?

25 A Not the exact date. It would have been shortly

1 before we filed the amendment.

2 Q Let me refer you to Adams Exhibit 55, just to see
3 if that helps put a time frame on this. Adams 55 is the
4 amendment which was filed concerning the KCBI assignment
5 application, and bears the date of October 29, 1992. There
6 are two additional pages within -- along with the
7 transmittal page, both signed by you; one on October 27 and
8 one on October 28.

9 Are those your signatures on pages 2 and 3 of
10 Exhibit No. 55?

11 A Yes.

12 Q So you confirmed that you signed amendments on
13 October 27 and October 28, 1992?

14 A Yes.

15 Q Which were then filed with the Commission on
16 October 29, 1992?

17 A Yeah.

18 Q And that was about the time then that you hired
19 Brown, Finn & Nietert to represent you?

20 A Well, I would have hired them shortly before that,
21 yeah.

22 Q Why would Mr. Wadlow's previous representation of
23 Christine Shaw have precluded him from representing you in
24 connection with this Dallas assignment application?

25 A Oh, it may not.

1 MR. HUTTON: Objection. That mischaracterizes
2 testimony.

3 JUDGE SIPPEL: You mean he -- can you make it
4 clear?

5 MR. HUTTON: The apparent foundation for the
6 question is -- was not what he testified to.

7 JUDGE SIPPEL: All right, I'm going to ask that
8 the question be rephrased.

9 BY MR. COLE:

10 Q Mr. Parker, I believe you testified that, when I
11 asked why Mr. Wadlow -- strike that.

12 I believe you testified that when I asked why you
13 didn't ask Mr. Wadlow to assist in this project you
14 mentioned that you believed he had previously represented
15 Christine Shaw.

16 A Yes, I said that.

17 Q Why would previous representation of Christine
18 Shaw influence your determination as to whether or not to
19 retain Mr. Wadlow to assist you in the KCBI assignment
20 application?

21 A I don't know that that did.

22 Q Well, I'm trying to get to what did influence your
23 judgment. I asked you that, what influenced your judgment
24 and you indicated that the previous -- you referred to his
25 previous representation of Christine Shaw, and I'm trying to

1 find out what you meant by that?

2 A Well, whether he had a conflict there. I,
3 frankly, don't recall other than it seems to me, as I stated
4 in the beginning, that I think Eric Kravetz or somebody at
5 Brown, Finn & Nietert was the one the Commission staff
6 called. They brought it to my attention, and I had already
7 at some point talked to them about representing me in the
8 future, and this was a small item, and I think at that point
9 I was trying to keep the cost down too. They don't bill as
10 much as Mr. Wadlow does, or at least they didn't then. I
11 don't know what they do now.

12 MR. COLE: Off the record. Mr. Parker, I can't
13 believe you want until Mr. Wadlow leaves the room to say
14 that. Back on the record.

15 THE WITNESS: Well, don't misunderstand me. He is
16 well worth what he charges.

17 BY MR. COLE:

18 Q All right, now, in response to the staff's inquiry
19 in October of 1992, you did file this amendment which we've
20 looked at, at Exhibit No. 55, and I think your amendment
21 itself is at page 3 of Exhibit 55.

22 Do you agree with that?

23 A Yes.

24 Q Who drafted the language of that amendment?

25 A I believe Mr. Kravetz did.

1 Q Do you know who provided Mr. Kravetz with the
2 information upon which the amendment was based?

3 A Well, I'm sure either myself or Linda Hendrickson
4 provided that.

5 Q And we determined that is your signature so
6 consistent with our discussion this morning that means you
7 reviewed this very carefully and were satisfied as to its
8 accuracy?

9 A That is correct.

10 Q Now, the amendment, and now I'm back on Adams
11 Exhibit 55, page 3. The last sentence of that amendment
12 reads as follows: "This will confirm that no character
13 issues had been added or requested against those applicants
14 when those applications were dismissed."

15 Is that correct?

16 A Yes, that is correct.

17 Q Now, in your testimony, and I apologize for keep
18 bouncing back and forth, but it may be useful to have on one
19 side of the table the amendment and the other side your
20 testimony, which is Exhibit No. 46, Reading 46.

21 JUDGE SIPPEL: His written testimony?

22 MR. COLE: His written testimony, Exhibit 46.

23 BY MR. COLE:

24 Q You state on page 8, last sentence of paragraph
25 14, "Based on the previous advice from the Sidley attorneys

1 about the Mount Baker and San Bernardino proceedings,
2 Linda," and I think that's a reference to Linda Hendrickson.

3 A Yes.

4 Q "...or I indicated that there were no unresolved
5 character issues pending on the applications to which I was
6 a party were dismissed."

7 Do you see that?

8 A Yes.

9 Q Well, that's not what that amendment says, is it?

10 MR. HUTTON: I object to the form of the question.
11 The written testimony refers to the telephone conversation,
12 not to the written language of the amendment.

13 JUDGE SIPPEL: I don't see anything inconsistent
14 with that and the question though.

15 MR. COLE: I beg your pardon?

16 JUDGE SIPPEL: I think your question is okay.

17 MR. COLE: I think so too. Thank you.

18 JUDGE SIPPEL: I'm going to overrule the
19 objection.

20 Can you answer that question?

21 THE WITNESS: I'm not sure I understand what he's
22 trying to get at, so maybe I should ask him to state it
23 again and I'll --

24 BY MR. COLE:

25 Q According to your testimony on page 8, paragraph

1 14, you state that Linda or you indicated that there were no
2 unresolved character questions -- character issues pending
3 on the applications to which you were a party were
4 dismissed.

5 A I believe that is correct, yes.

6 Q I understand you believe that is correct.

7 But the amendment that was filed over your
8 signature to the Dallas assignment application doesn't say
9 what you said in your testimony, does it?

10 The Dallas amendment does not say that there were
11 no unresolved character issues pending when the applications
12 to which you were a party were dismissed, does it?

13 A Run that by me again. I don't understand.

14 Q All right, let me try it another way.

15 Exhibit 55, page 3, your amendment, final sentence
16 reads, "This will confirm that no character issues had been
17 added or requested against those applicants when those
18 applications were dismissed."

19 A Yes.

20 Q And for purposes of clarification the reference to
21 "those applicants" and "those applications" refers back to
22 the applicants that were described in Exhibit Arabic Numeral
23 3 to your Dallas assignment application which appears at
24 Exhibit 54, pages 22 through 25; is that correct?

25 A I believe that to be the case, yes.

1 Q And Exhibit Arabic Numeral 3 in the Dallas
2 assignment application, which appears at Exhibit 54, pages
3 22 through 25, includes, among other applicants, San
4 Bernardino Broadcasting Limited Partnership; does it not?

5 A Not in the context you're talking about it, I
6 don't believe that to be the case. I think, if you read the
7 beginning sentence of that disclosure, it says, "Although
8 neither an applicant nor the holder of interest in the
9 applicant to the proceedings," it then goes on to talk about
10 my role. It clearly identified, in terms of responding to
11 the question on the Commission's application, that this is a
12 disclosure over and beyond that.

13 Q So your testimony then is that the amendment to
14 the Dallas assignment application, which appears at Exhibit
15 55, page 3, was not intended to include within its scope the
16 San Bernardino application?

17 Am I hearing that correctly?

18 A That isn't what I said. I thought I answered your
19 previous question. Now you are rewriting my answer to fit
20 with someone else you wanted. Why don't you just give me
21 the question and I'll answer it instead of asking me what I
22 meant.

23 JUDGE SIPPEL: Well, it's cross-examination. He's
24 going to have a --

25 THE WITNESS: I'm sorry, Your Honor.

1 JUDGE SIPPEL: He gets a little -- I understand.

2 THE WITNESS: Got my wife here.

3 JUDGE SIPPEL: All right. Well, we'll take a
4 break at a quarter to three.

5 THE WITNESS: Okay.

6 JUDGE SIPPEL: Can you go for another half an
7 hour?

8 THE WITNESS: Oh, sure. Sure. Sure.

9 BY MR. COLE:

10 Q My question, Mr. Parker, is in the dallas
11 amendment you stated that no character issues had been added
12 or requested against those applicants when those
13 applications were dismissed.

14 A That's correct.

15 Q With reference to those applications or those
16 applications, I thought we just established, but I could be
17 wrong, included the applications listed in Exhibit 3 to the
18 Dallas assignment application.

19 A I think if you read the amendment on its face, it
20 speaks for itself on its face. It says "As part of that
21 application, Two If By Sea listed applications in which its
22 officers and directors and principals had held interests and
23 which were dismissed at the request of the applicant."

24 That's what the amendment says.

25 Section 3 lists a number of applicants. But the

1 paragraph dealing with San Bernardino specifically states,
2 "Although neither an applicant nor the holder of an interest
3 in the applicant to the proceedings, Mike Parker's role as
4 paid independent consultant to San Bernardino Broadcasting
5 Limited Partnership," and lists the docket number, "for
6 authority to construct the station. It says and gives the
7 same disclosure that was on all of the other applications
8 And it may be cutting fine hairs but the amendment says what
9 the amendment says, and it clearly says that while I was
10 neither the applicant or a holder of an interest, this was
11 the facts of the case.

12 Q And it goes on to say, as I read it, that you were
13 deemed to be such.

14 A For purposes of integration and diversification
15 credit. That's what it says; and that I did not receive an
16 interest of any kind when the case was finally decided; all
17 of which are accurate, complete and truthful.

18 Q So you didn't understand the FCC when it contacted
19 --

20 A I didn't say I didn't understand. I said that the
21 amendment responded.

22 Q Did you understand when the FCC contracted you or
23 your representatives and asked for further information about
24 character issues which may or may not have been raised
25 against applications listed in your own Dallas assignment

1 application, did you understand that the staff was not
2 interested in the San Bernardino proceeding?

3 A No, I don't think I said that. I didn't say they
4 weren't interested.

5 Q Did you believe they might be interested in
6 knowing about the San Bernardino --

7 A Frankly, I don't remember the conversation at all.
8 I don't believe I talked to them directly. I can respond to
9 what's in the record and what's in the paper, but I don't
10 recall any conversation. I think I stated that before.

11 Q Did you advise Mr. Kravetz about the holdings in
12 the San Bernardino proceeding?

13 A I'm sure that he was advised. Again, you have to
14 go back to his first involvement with me went clear back to
15 the application for the transfer in -- hang on, I'll find it
16 in your exhibits.

17 In your Exhibit No. 51, Exhibit 51, page 17,
18 Brown -- let me check my recollection there. I believe, on
19 page 17 is the same disclosure we are talking about, and he
20 was involved in that application.

21 Q Was he involved in the drafting of that
22 application, particularly the transferee's portion of that
23 application, to your recollection?

24 A As I said, I think I answered that question before
25 in terms that he and Mr. Mercer and maybe a conversation

1 with Mr. Wadlow were involved in it. I don't know who
2 specifically drafted the language. But you asked if he was
3 aware of it, and I'm sure if he submitted this application
4 to the -- yes, by the way, it was Brown, Finn & Nietert in
5 July of 1991. That was the name of the law firm then.

6 But he submitted this application to the
7 Commission, so I'm sure he was aware of everything that was
8 in it. And then again had he been doing his job, which I
9 believe he did, he would have seen my original application
10 with that disclosure in it, and drafted the amendment for
11 me, and which was responsive to what the Commission was
12 asking for, and advised me that the amendment was accurate
13 and I signed it.

14 Q What do you mean by if Mr. Kravetz was doing his
15 job?

16 A Well, he's an FCC legal counsel, and I obviously
17 asked him to help me with this Commission request, and I
18 don't believe that he could have answered that without
19 reviewing my application, which the same language was in
20 that application that was in the Norwell application dealing
21 with San Bernardino.

22 Q Do you recall specifically discussing with Mr.
23 Kravetz whether or not to mention San Bernardino in the
24 amendment to the Dallas application?

25 A I think I've said now about four times that I do

1 not recall the conversation. It was either I or Linda
2 Hendrickson that provided the information to him. So
3 clearly, I don't recall a conversation with him, no.

4 Q And when you received -- strike that.

5 Who actually physically prepared the amendment,
6 put it into typed form on a piece of paper?

7 A I do not recall.

8 Q But at some point it was presented to you; is that
9 correct?

10 A That is correct.

11 Q And when you read it were you concerned that it
12 might not fully disclose information which the Commission
13 might be interested?

14 A If I thought that was the case, I wouldn't have
15 signed it.

16 Q You did know as of October 27, 1992, then that the
17 San Bernardino proceeding, a character issue had been
18 requested against SBBLP, did you not?

19 A If that was the date that it was requested, I
20 would have known shortly thereafter, yes.

21 Q The issue was requested back in the 1980s during
22 the San Bernardino proceeding. October 27, 1992, is the
23 date of your amendment to the Dallas assignment application.

24 And my question is, as of the date you signed the
25 Dallas assignment application, you were aware that a

1 character issue had been added against SBBLP in the San
2 Bernardino proceeding, were you not?

3 A Hang on a minute. Let me go back.

4 (Pause.)

5 THE WITNESS: Okay, what was the question again?
6 I'm sorry.

7 BY MR. COLE:

8 Q The question is, as of October 27, 1992, were you
9 aware that there had been a character issue requested
10 against SBBLP in the San Bernardino proceeding?

11 A Yes.

12 Q And were you also aware as of October 27, 1992,
13 that a character issue had been added against SBBLP in the
14 San Bernardino proceeding?

15 A Yes.

16 Q Mr. Parker, would you please turn over -- strike
17 that.

18 You mentioned this morning, and I believe in your
19 written testimony, that you had received advice from counsel
20 about the effect of the San Bernardino proceeding on your
21 qualifications.

22 Do you recall that?

23 A Once more on what you said? I'm sorry.

24 Q I believe you've mentioned that you've obtained
25 advice from counsel about the effect of the San Bernardino

1 proceeding on your qualifications.

2 Do you recall?

3 A Yes. Yes.

4 Q And some of that advice was written advice. I
5 think you mentioned written advice.

6 Do you recall that?

7 A Yes.

8 Q Now, when you refer to written advice, are you
9 referring to the letter from Clark Wadlow to you, which is
10 Adams No. 58?

11 A Yes.

12 Q Is there any other written advice from any counsel
13 about the effect of San Bernardino proceeding on your
14 qualifications that you have relied on at any time -- strike
15 that.

16 Is there any other written advice from counsel
17 about the effect of the San Bernardino proceeding on your
18 qualifications which influenced the disclosures as set forth
19 in the applications we've looked at this afternoon?

20 MR. HUTTON: I object to the form of the question
21 in the sense that advice is subject to different
22 interpretations. Maybe if he clarifies what he means by
23 "advice".

24 JUDGE SIPPEL: Well, I thought Mr. Parker had more
25 or less agreed with him on laying the foundation with this

1 one question, that he had written advice from Mr. Clark
2 Wadlow, and I assume he relied on that advice.

3 THE WITNESS: Yes.

4 MR. HUTTON: But then the next question was had he
5 received any other written advice from anyone on that issue.

6 JUDGE SIPPEL: Yes. And what was the answer to
7 that?

8 MR. COLE: I don't have one. We have an objection
9 to it.

10 JUDGE SIPPEL: And so what's the basis of the
11 objection?

12 MR. HUTTON: It's simply a form objection. Advice
13 is an open-ended term. It could be subject to different
14 interpretations. I'm suggesting that Mr. Cole clarify what
15 he means by "advice".

16 JUDGE SIPPEL: You mean advice of the nature that
17 was in Mr. Wadlow's letter?

18 MR. HUTTON: That's one interpretation, but it
19 could be broader than that.

20 JUDGE SIPPEL: Can you start with that, Mr. Cole,
21 and --

22 MR. COLE: Well, all I'm trying to find out -- I
23 mean, I'm perfectly happy to let him pick whatever
24 definition of advice he wants to give me an answer because,
25 you know, I'm not even sure what Mr. Hutton is talking

1 about, frankly. I mean, words can mean a wide range of
2 things. I'm just trying -- I understood that Mr. Parker
3 understood the concept of advice because he's told me Mr.
4 Wadlow's letter was advice, and presumably he's dealt with
5 enough counsel to understand what advice means to have his
6 own understanding of what advice means.

7 I'm trying to find out whether within his
8 understanding of the term "advice", he received any other
9 written advice beyond the Wadlow letter.

10 JUDGE SIPPEL: Well, maybe we could limit it then
11 to advice, advice, other advice received with respect to any
12 of these applications which are in issue here.

13 MR. COLE: Okay.

14 JUDGE SIPPEL: Do you understand that?

15 THE WITNESS: Yeah. Well, I think the answer
16 would be other than the actual writings in the application
17 or drafts there where, you know, basically I got -- when
18 people utilized what are in the written documents, they
19 obviously are advising me that those are acceptable.

20 JUDGE SIPPEL: All right, let's accept for the
21 question then drafting advice.

22 THE WITNESS: Okay.

23 JUDGE SIPPEL: With respect to the actual work
24 that was done on the drafting. Let's limit it to advice
25 that you -- did you receive such advice, and when I say

1 "such advice," advice with respect to any of the
2 applications, the four applications that we are talking
3 about here. All right, either written or verbal from
4 attorneys that were advising you in that period of time.

5 THE WITNESS: Yeah. Well, clearly, written, I
6 believe this -- I relied heavily on Wadlow's communication
7 to me. But also, in terms of verbal and so on, it was -- in
8 every case I tried to make sure that I had made the
9 disclosures adequate to the Commission. I didn't want to
10 get in trouble over these. Most of these were uncontested
11 matters. I sure wasn't out looking --

12 JUDGE SIPPEL: No, I understand but that's kind of
13 a broad defensive answer.

14 THE WITNESS: Yeah.

15 JUDGE SIPPEL: I think he's asking you, you were
16 able to specifically address or point us to the letter of
17 February 18th.

18 THE WITNESS: Yes, sir.

19 JUDGE SIPPEL: Is there any other advice that you
20 are able to point us to?

21 THE WITNESS: In written form, no.

22 JUDGE SIPPEL: What about in oral form, verbal
23 form, specific now, specific advice.

24 THE WITNESS: Specific.

25 JUDGE SIPPEL: Not the kind you were talking

1 about; specific advice, okay, I remember a phone call from
2 so and so in connection with this application and talking
3 about such and such.

4 THE WITNESS: I think more than -- more than -- I
5 remember at various times discussing with other attorneys.
6 I don't know specifically whether it was in reference to
7 these applications, but any of the legal counsel that I had
8 working on various cases, none of them disagreed with Mr.
9 Wadlow's conclusion that I can recall.

10 Mr. Cole, is that responsive?

11 JUDGE SIPPEL: The next move is Mr. Cole's.

12 THE WITNESS: Okay.

13 BY MR. COLE:

14 Q According to my notes, Mr. Parker, in your
15 testimony at the very outset this morning, between 1990 and
16 1993, you were represented by Mr. Wadlow and Sidley
17 attorneys, Brown, Finn & Nietert, and Mr. Mercer.

18 Were there any other communications counsel
19 working on projects for you between 1990 and 1993?

20 MR. HUTTON: Objection as to form. He's testified
21 that Mr. Mercer was not a communications counselor.

22 JUDGE SIPPEL: But he was getting advice from Mr.
23 Mercer in connection with some of this disclosure, right?

24 MR. HUTTON: That's true.

25 JUDGE SIPPEL: Can you answer the question? I'm

1 going to overrule the objection.

2 THE WITNESS: Oh, okay. You're going to overrule
3 the -- oh, okay. So you want me to answer the question.

4 I'm trying to recall because at various times, you
5 know, trying to tie it down to that time. I've been
6 represented by a number of FCC counsels. I think, in the
7 specific references that you're referring to, you limited it
8 from 1990, you said?

9 MR. COLE: 1990 to 1993.

10 THE WITNESS: Okay.

11 (Pause.)

12 THE WITNESS: I believe that's accurate. I don't
13 believe there is any -- anybody else during that period of
14 time.

15 BY MR. COLE:

16 Q The only other names that I have in my notes are
17 Weily Rein. Did they give you any -- were you working on
18 any projects with Weily Rein between 1990 and 1993?

19 A Not where I was a principal.

20 Q How about Mr. Root?

21 A I don't believe that's -- that's what I was
22 checking. I don't believe during that time period, no, that
23 he provided anything.

24 Q Now, between the filing of the Norwell application
25 in July of 1991 and October of 1992, could you please